

AMENDED IN ASSEMBLY JANUARY 5, 2004

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 734**

**Introduced by Assembly Member Montanez**

February 19, 2003

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An act to amend Section ~~14581~~ Sections 14513.4 and 14585 of, and to add Chapter 12.7 (commencing with Section 42648) to Part 3 of Division 30 of, the Public Resources Code, relating to recycling, and making an appropriation therefor.

### LEGISLATIVE COUNSEL'S DIGEST

AB 734, as amended, Montanez. Large venue *and event* recycling programs.

(1) Existing law, the California Integrated Waste Management Act of 1989, establishes an integrated waste management program administered by the California Integrated Waste Management Board. The act requires each city, county, city and county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. On and after January 1, 2000, the element is required to divert 50% of the solid waste subject to the element, except as specified, through source reduction, recycling, and composting activities.

This bill would require *the board, by June 30, 2005, to make available one or more model local agency ordinances to require a recycling program at large venues, consult with specified entities while*

*developing the model ordinances, and post specified information on the board's Internet Web site.*

*The bill would require each local agency, which the bill would define as a city and a county, to provide specified information to large venue facilities and large events located in the jurisdiction of the local agency and, by January 1, 2006, and annually thereafter, identify and locate the 10% of large venues and large events located within the jurisdiction of the local agency that have the largest number of visitors and report that information to the board. The bill would require each local agency to also adopt an ordinance by January 1, 2006, that requires each large venue facility that meets specified requirements to perform a solid waste audit, to submit the results of that audit to the local agency by June 30, 2006, and to develop solid waste reduction goals and a solid waste diversion plan to achieve those goals. The ordinance would also be required to direct each large venue facility subject to those requirements to annually report to the local agency on the facility's progress in implementing the solid waste diversion program plan and meeting the specified solid waste reduction goals. The bill would also require the ordinance to expand the qualifications of the facilities subject to the ordinance by January 1, 2008.*

*The bill would also require a local agency to direct each large venue that generates more than 200 pounds per day of solid animal-related manure and bedding waste to provide for the collection and diversion of those materials from disposal in a solid waste landfill, if the materials can be diverted at a cost less than or equal to disposal. A local agency would also be required to direct each large venue facility that commences operations on or after January 1, 2006, to incorporate recycling in their design and operating plans as a component of the local permitting process.*

*The bill would exempt a local agency from taking those actions if the local agency has adopted an ordinance on or before January 1, 2005, that imposes requirements on large venues and large events that are equal to, or more stringent than, those requirements.*

*The bill would allow a local agency or a private entity to apply for a grant directly with the Department of Conservation to implement large venue recycling programs at large venue facilities. The bill would require the department to adopt regulations for the issuance of these grants and would authorize the department to issue a grant to a local agency or a private entity that meet the eligibility requirements*



*specified in those regulations, from funds appropriated for these purposes by the Legislature.*

*The bill would require each large venue, as defined, to either provide at least one multimaterial recycling bin in the large venue's public area, based on a specified amount of the large venue's visitors, or to provide for the operation of a recycling center that is certified by the Department of Conservation pursuant to the California Beverage Container Recycling and Litter Reduction Act and is operational for a minimum of 2 hours each day that the large venue is open for business*

*The bill would define a large venue as including, among other things, a public high school, thereby imposing a state-mandated local program by imposing new duties upon public schools.*

*The bill would require a large venue that is a zoo, racetrack, or fairground to provide a method for the collection of solid waste at that venue that may be processed into compost.*

*The bill would require the board, in cooperation with and the Department of Conservation, to provide technical assistance and tools and resources to assist large venues and local jurisdictions with regard to implementing the bill's requirements.*

*(2) The existing California Beverage Container Recycling and Litter Reduction Act requires a distributor of specified beverage containers to pay a redemption payment to the Department of Conservation, for each beverage container, as defined, sold or transferred, for deposit in the California Beverage Container Recycling Fund. The money in the fund is continuously appropriated to the department to pay refund values, processing payments, and for other purposes, including to make payments to cities and counties for beverage container recycling and litter cleanup activities. Existing law specifies the activities eligible for the use of these funds. Existing law requires a city or county, as a condition of receiving those funds, to fill out and return a funding request form to the Department of Conservation pay handling fees. Existing law defines the term "handling fee" as an amount paid by the department to operators of supermarket sites and certain recyclers and requires the department to pay a total of \$26,500,000 annually in handling fees to supermarket sites and those recyclers to provide an incentive to redeem beverage containers.*

*This bill would instead require a city or county to give priority in expending these funds to establish or expand beverage container recycling activities or beverage container recycling infrastructure at the*

~~large venues identified when applying for those funds—revise the definition of the term “handling fee” to additionally include payments for redeemed containers made to operators of large venues and certified large events. The bill would require the department to adopt regulations providing guidelines and methods specifically for paying handling fees to operators of large venues and certified large events, including requirements for the certification of a large event as eligible to receive handling fees.~~ By changing the use of a continuously appropriated fund, the bill would make an appropriation.

*The bill would impose a state-mandated local program by requiring local agencies to provide specified information and to implement a large venue recycling program.*

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

3 (1) Effective resource management techniques include  
4 preventing the creation of waste through conscientious purchasing  
5 of materials, buying recycled-content products, and reusing  
6 materials and goods, as well as resource recovery through  
7 recycling and composting.

8 (2) Experience in this state and others demonstrates that  
9 effective resource management conserves natural resources and  
10 reduces the need for additional landfill capacity.

11 (3) Experience also demonstrates that large venues generate  
12 substantial quantities of wastes, primarily corrugated cardboard,



1 food waste, and compostables such as animal bedding; as well as  
2 beverage containers, paper, and glass.

3 (b) Accordingly, it is the intent of the Legislature to encourage  
4 increased opportunities for effective resource management for all  
5 consumers at large venues, including, but not limited to, large  
6 private, nonprofit, or publicly owned stadiums, sports arenas,  
7 theaters, halls, ~~amusements parks, gas stations, restaurants~~  
8 *amusement parks, zoos, airports, fairgrounds, museums,* and other  
9 large venue businesses.

10 (c) It is the intent of the Legislature to make effective resource  
11 management convenient to consumers, and the Legislature hereby  
12 urges cities and counties to adopt ordinances relating to the siting  
13 of multiple material recycling opportunities at large venues or  
14 other types of resource management to enhance the overall success  
15 of effective resource management recycling in the state.

16 ~~SEC. 2. Section 14581 of the Public Resources Code is~~  
17 ~~amended to read:~~

18 ~~14581. (a) Subject to the availability of funds, and pursuant~~  
19 ~~to subdivision (c), the department shall expend the money set aside~~  
20 ~~in the fund, pursuant to subdivision (c) of Section 14580, for the~~  
21 ~~purposes of this section:~~

22 ~~(1) Twenty-three million five hundred thousand dollars~~  
23 ~~(\$23,500,000) shall be expended annually for the payment of~~  
24 ~~handling fees required pursuant to Section 14585.~~

25 ~~(2) Fifteen million dollars (\$15,000,000) shall be expended~~  
26 ~~annually for payments for curbside programs and neighborhood~~  
27 ~~dropoff programs pursuant to Section 14549.6.~~

28 ~~(3) (A) Fifteen million dollars (\$15,000,000), plus the~~  
29 ~~proportional share of the cost-of-living adjustment, as provided in~~  
30 ~~subdivision (b), shall be expended annually in the form of grants~~  
31 ~~for beverage container litter reduction programs and recycling~~  
32 ~~programs issued to either of the following:~~

33 ~~(i) Certified community conservation corps that were in~~  
34 ~~existence on September 30, 1999, or that are formed subsequent~~  
35 ~~to that date, that are designated by a city or a city and county to~~  
36 ~~perform litter abatement, recycling, and related activities, if the~~  
37 ~~city or the city and county has a population, as determined by the~~  
38 ~~most recent census, of more than 250,000 persons.~~

39 ~~(ii) Community conservation corps that are designated by a~~  
40 ~~county to perform litter abatement, recycling, and related~~

activities, and are certified by the California Conservation Corps as having operated for a minimum of two years and as meeting all other criteria of Section 14507.5.

(B) Any grants provided pursuant to this paragraph shall not comprise more than 75 percent of the annual budget of a community conservation corps.

(4) (A) Ten million five hundred thousand dollars (\$10,500,000) may be expended annually for payments of five thousand dollars (\$5,000) to cities and ten thousand dollars (\$10,000) for payments to counties for beverage container recycling and litter cleanup activities, or the department may calculate the payments to counties and cities on a per capita basis, and may pay whichever amount is greater, for those activities.

(B) A city or county shall give priority to expending these funds to establish or expand beverage container recycling activities or beverage container recycling infrastructure at the large venues identified pursuant to subparagraph (D). After expending funds for those purposes, the funds may be expended for the support of new or existing curbside recycling programs, neighborhood dropoff recycling programs, public education promoting beverage container recycling, litter prevention, and cleanup, cooperative regional efforts among two or more cities or counties, or both, or other beverage container recycling programs.

(C) These funds may not be used for activities unrelated to beverage container recycling or litter reduction.

(D) To receive these funds, a city, county, or city and county shall fill out and return a funding request form to the Department of Conservation. The form shall specify the beverage container recycling or litter reduction activities for which the funds will be used. A city or county that applies for these funds shall work with the department to identify large venues, as defined in Section 42648, within the city or county.

(E) The Department of Conservation shall annually prepare and distribute a funding request form to each city, county, or city and county. The form shall specify the amount of beverage container recycling and litter cleanup funds for which the jurisdiction is eligible. The form shall not exceed one double-sided page in length, and may be submitted electronically. If a city, county, or city and county does not return the funding request form within 90 days of receipt of the form from the department, the city,

1 county, or city and county is not eligible to receive the funds for  
2 that funding cycle.

3 ~~(F) For the purposes of this paragraph, per capita population~~  
4 ~~shall be based on the population of the incorporated area of a city~~  
5 ~~or city and county and the unincorporated area of a county. The~~  
6 ~~department may withhold payment to any city, county, or city and~~  
7 ~~county that has prohibited the siting of a supermarket site, caused~~  
8 ~~a supermarket site to close its business, or adopted a land use policy~~  
9 ~~that restricts or prohibits the siting of a supermarket site within its~~  
10 ~~jurisdiction.~~

11 ~~(5) (A) Five hundred thousand dollars (\$500,000) may be~~  
12 ~~expended annually in the form of grants for beverage container~~  
13 ~~recycling and litter reduction programs.~~

14 ~~(B) Up to a total of six million eight hundred forty thousand~~  
15 ~~dollars (\$6,840,000) shall be paid to the City of San Diego,~~  
16 ~~between January 1, 2000, and January 1, 2004, for a curbside~~  
17 ~~recycling program conducted pursuant to Section 14549.7.~~

18 ~~(6) (A) The department shall expend the amount necessary to~~  
19 ~~pay the processing payment established pursuant to subdivision~~  
20 ~~(b) of Section 14575. The department shall establish separate~~  
21 ~~processing fee accounts in the fund for each beverage container~~  
22 ~~material type for which a processing payment and processing fee~~  
23 ~~is calculated pursuant to Section 14575, into which account shall~~  
24 ~~be deposited both of the following:~~

25 ~~(i) All amounts paid as processing fees for each beverage~~  
26 ~~container material type pursuant to subdivision (g) of Section~~  
27 ~~14575.~~

28 ~~(ii) Funds equal to pay 75 percent of the processing payments~~  
29 ~~established in subdivision (b) of Section 14575, in order to reduce~~  
30 ~~the processing fee to the level provided in subdivision (f) of~~  
31 ~~Section 14575.~~

32 ~~(B) Notwithstanding Section 13340 of the Government Code,~~  
33 ~~the money in each processing fee account is hereby continuously~~  
34 ~~appropriated to the department for expenditure without regard to~~  
35 ~~fiscal years, for purposes of making processing payments, and~~  
36 ~~reducing processing fees, pursuant to Section 14575.~~

37 ~~(7) Up to ten million dollars (\$10,000,000) shall be expended~~  
38 ~~by the department between January 1, 2000, and January 1, 2002,~~  
39 ~~for the purposes of undertaking a statewide public education and~~



1 ~~information campaign aimed at promoting increased recycling of~~  
2 ~~beverage containers.~~

3 ~~(8) Up to three million dollars (\$3,000,000) shall be expended~~  
4 ~~annually for the payment of quality glass incentive payments~~  
5 ~~pursuant to Section 14549.1.~~

6 ~~(9) (A) Three hundred thousand dollars (\$300,000) shall be~~  
7 ~~expended annually by the department, until January 1, 2003,~~  
8 ~~pursuant to a cooperative agreement entered into between the~~  
9 ~~department and Keep California Beautiful, a nonprofit 501(c)(3)~~  
10 ~~organization chartered by the State of California in 1990, for the~~  
11 ~~purpose of conducting statewide public education campaigns~~  
12 ~~aimed at preventing and cleaning up beverage containers and~~  
13 ~~related litter. The campaigns shall include, but not be limited to,~~  
14 ~~coordination of Keep California Beautiful month.~~

15 ~~(B) Prior to making an expenditure pursuant to this paragraph,~~  
16 ~~the department shall enter into a cooperative agreement with Keep~~  
17 ~~California Beautiful.~~

18 ~~(C) As part of the cooperative agreement, Keep California~~  
19 ~~Beautiful shall provide the department with an annual campaign~~  
20 ~~plan and budget, and a report of previous year campaign activities.~~

21 ~~(b) The fifteen million dollars (\$15,000,000) that is set aside~~  
22 ~~pursuant to paragraph (3) of subdivision (a) is a base amount that~~  
23 ~~the department shall adjust annually to reflect any increases or~~  
24 ~~decreases in the cost of living, as measured by the Department of~~  
25 ~~Labor, or a successor agency, of the federal government.~~

26 ~~(c) (1) The department shall review all funds on a quarterly~~  
27 ~~basis to ensure that there are adequate funds to make the payments~~  
28 ~~specified in this section and the processing fee reductions required~~  
29 ~~pursuant to Section 14575.~~

30 ~~(2) If the department determines, pursuant to a review made~~  
31 ~~pursuant to paragraph (1), that there may be inadequate funds to~~  
32 ~~pay the payments required by this section and the processing fee~~  
33 ~~reductions required pursuant to Section 14575, the department~~  
34 ~~shall immediately notify the appropriate policy and fiscal~~  
35 ~~committees of the Legislature regarding the inadequacy.~~

36 ~~(3) On or before 180 days after the notice is sent pursuant to~~  
37 ~~paragraph (2), the department may reduce or eliminate~~  
38 ~~expenditures, or both, from the funds as necessary, according to~~  
39 ~~the procedure set forth in subdivision (d).~~



1 ~~(d) If the department determines that there are insufficient~~  
2 ~~funds to make the payments specified pursuant to this section and~~  
3 ~~Section 14575, the department shall reduce all payments~~  
4 ~~proportionally.~~

5 ~~(e) Prior to making an expenditure pursuant to paragraph (7) of~~  
6 ~~subdivision (a), the department shall convene an advisory~~  
7 ~~committee consisting of representatives of the beverage industry,~~  
8 ~~beverage container manufacturers, environmental organizations,~~  
9 ~~the recycling industry, nonprofit organizations, and retailers, to~~  
10 ~~advise the department on the most cost-effective and efficient~~  
11 ~~method of the expenditure of the funds for that education and~~  
12 ~~information campaign.~~

13 ~~SEC. 3.—~~

14 ~~(d) It is the intent of the Legislature to create a mechanism and~~  
15 ~~provide incentives to aid cities and counties in complying with~~  
16 ~~waste diversion requirements set forth in the California Integrated~~  
17 ~~Waste Management Act of 1989 (Division 30 (commencing with~~  
18 ~~Section 40000) of the Public Resources Code).~~

19 ~~SEC. 2. Section 14513.4 of the Public Resources Code is~~  
20 ~~amended to read:~~

21 ~~14513.4. “Handling fee” means an amount paid to an~~  
22 ~~operator of a any of the following:~~

23 ~~(a) A supermarket site, a that is located in a convenience zone,~~  
24 ~~for every beverage container redeemed by the operator at the~~  
25 ~~supermarket or within the zone in which the supermarket site is~~  
26 ~~located.~~

27 ~~(b) A rural region recycler, as defined in Section 14525.5.1, or~~  
28 ~~a for every beverage container redeemed by the rural region~~  
29 ~~recycler.~~

30 ~~(c) A nonprofit convenience zone recycler, as defined in~~  
31 ~~Section 14514.7, that is located in a convenience zone, for every~~  
32 ~~beverage container redeemed by the operator at the supermarket~~  
33 ~~or within the zone in which the supermarket site is located, by the~~  
34 ~~rural region recycler, or for every beverage container redeemed by~~  
35 ~~the nonprofit convenience zone recycler.~~

36 ~~(d) A large venue, as defined in Section 42648, for every~~  
37 ~~beverage container redeemed by the large venue.~~

38 ~~(e) A large event certified by the department pursuant to~~  
39 ~~subdivision (f) of Section 14585, for every beverage container~~  
40 ~~redeemed by the large event.~~

1 SEC. 3. Section 14585 of the Public Resources Code is  
2 amended to read:

3 14585. (a) The department shall adopt guidelines and  
4 methods for paying handling fees to supermarket sites, nonprofit  
5 convenience zone recyclers, ~~or~~ rural region recyclers, *large*  
6 *venues, or certified large events* to provide an incentive for the  
7 redemption of empty beverage containers in convenience zones.  
8 The guidelines shall include, but not be limited to, all of the  
9 following:

10 (1) Handling fees shall be paid on a monthly basis, in the form  
11 and manner adopted by the department. The department shall  
12 require that claims for the handling fee be filed with the  
13 department not later than the first day of the second month  
14 following the month for which the handling fee is claimed as a  
15 condition of receiving any handling fee.

16 (2) ~~To~~ *Except as provided in subdivision (f),* to be eligible for  
17 any handling fee, a supermarket site recycling center, nonprofit  
18 convenience zone recycler, or rural region recycler shall redeem  
19 not less than 60,000 beverage containers, during the calendar  
20 month in which the handling fee is claimed or have redeemed not  
21 less than an average of 60,000 beverage containers per month  
22 during the previous 12 months.

23 (3) A beverage container with a capacity of 24 fluid ounces or  
24 more shall be considered as two beverage containers for purposes  
25 of determining the eligibility percentage, any handling fee  
26 calculations, and payments.

27 (4) ~~The~~ *Except as provided in subdivision (f), the* department  
28 shall determine the number of eligible containers per site for which  
29 a handling fee will be paid in the following manner:

30 (A) Each eligible site's combined monthly volume of glass and  
31 plastic beverage containers shall be divided by the site's total  
32 monthly volume of all empty beverage container types.

33 (B) If the quotient determined pursuant to subparagraph (A) is  
34 equal to, or more than, 10 percent, the total monthly volume of the  
35 site shall be the maximum volume which is eligible for a handling  
36 fee for that month.

37 (C) If the quotient determined pursuant to subparagraph (A) is  
38 less than 10 percent, the department shall divide the volume of  
39 glass and plastic beverage containers by 10 percent. That quotient

1 shall be the maximum volume that is eligible for a handling fee for  
2 that month.

3 (5) The department shall pay a handling fee of 1.8 cents  
4 (\$0.018) per eligible beverage container, as determined pursuant  
5 to paragraph (4).

6 (6) Notwithstanding paragraph (5), the total handling fee  
7 payment to a supermarket site, nonprofit convenience zone  
8 recycler, or rural region recycler shall not exceed two thousand  
9 three hundred dollars (\$2,300) per month.

10 (7) If the eligible volume in any given month would result in  
11 handling fee payments which exceed the allocation of funds for  
12 that month, as provided in subdivision (b), sites with higher  
13 eligible monthly volumes shall receive handling fees for their  
14 entire eligible monthly volume before sites with lower eligible  
15 monthly volumes receive any handling fees.

16 (8) (A) If a dealer where a supermarket site, nonprofit  
17 convenience zone recycler, or rural region recycler is located  
18 ceases operation for remodeling or for a change of ownership, the  
19 operator of that supermarket site nonprofit convenience zone  
20 recycler, or rural region recycler shall be eligible to apply for  
21 handling fees for that site for a period of three months following  
22 the date of the closure of the dealer.

23 (B) Every supermarket site operator, nonprofit convenience  
24 zone recycler, or rural region recycler shall promptly notify the  
25 department of the closure of the dealer where the supermarket site,  
26 nonprofit convenience zone recycler, or rural region recycler is  
27 located.

28 (C) Notwithstanding subparagraph (A), any operator who fails  
29 to provide notification to the department pursuant to subparagraph  
30 (B) shall not be eligible to apply for handling fees.

31 (b) The department may allocate the amount authorized for  
32 expenditure for the payment of handling fees pursuant to  
33 paragraph (1) of subdivision (a) of Section 14581 on a monthly  
34 basis and may carry over any unexpended monthly allocation to a  
35 subsequent month or months. However, unexpended monthly  
36 allocations shall not be carried over to a subsequent fiscal year for  
37 the purpose of paying handling fees but may be carried over for  
38 any other purpose pursuant to Section 14581.

39 (c) (1) The department shall not make handling fee payments  
40 to more than one certified recycling center in a convenience zone.

1 If a dealer is located in more than one convenience zone, the  
2 department shall offer a single handling fee payment to a  
3 supermarket site located at that dealer. This handling fee payment  
4 shall not be split between the affected zones. The department shall  
5 stop making handling fee payments if another recycling center  
6 certifies to operate within the convenience zone without receiving  
7 payments pursuant to this section, if the department monitors the  
8 performance of the other recycling center for 60 days and  
9 determines that the recycling center is in compliance with this  
10 division. Any recycling center that locates in a convenience zone,  
11 thereby causing a preexisting recycling center to become  
12 ineligible to receive handling fee payments, is ineligible to receive  
13 any handling fee payments in that convenience zone.

14 (2) The department shall offer a single handling fee payment to  
15 a rural region recycler that is located anywhere inside a  
16 convenience zone that is not served by another certified recycling  
17 center and does either of the following:

18 (A) Operates a minimum of 30 hours per week in one  
19 convenience zone.

20 (B) Serves two or more convenience zones, and meets all of the  
21 following criteria:

22 (i) Is the only certified recycler within each convenience zone.

23 (ii) Is open and operating at least eight hours per week in each  
24 convenience zone and is certified at each location.

25 (iii) Operates at least 30 hours per week in total for all  
26 convenience zones served.

27 (d) The department may require the operator of a supermarket  
28 site or rural region recycler receiving handling fees to maintain  
29 records for each location where beverage containers are redeemed,  
30 and may require the supermarket site or rural region recycler to  
31 take any other action necessary for the department to determine  
32 that the supermarket site or rural region recycler does not receive  
33 an excessive handling fee.

34 (e) The department may determine and utilize a standard  
35 container per pound rate, for each material type, for the purpose  
36 of calculating volumes and making handling fee payments.

37 (f) (1) *For purposes of this subdivision, the following*  
38 *definitions shall apply:*

39 (A) *“Large venue” has the same meaning as defined in Section*  
40 *42648.*

(B) “Certified large event” means a large event, as defined in Section 42648, certified by the department pursuant to this subdivision.

(2) The department shall adopt regulations providing guidelines and methods specifically for paying handling fees to operators of large venues and certified large events to provide an incentive for the redemption of empty beverage containers, including requirements for the certification of a large event as eligible to receive handling fees. The department shall require the large venue or certified large event to pay at least 25 percent of all handling fees paid pursuant to this section to the recycler, but the operator of a large venue or certified large event may enter into a contract with a recycler that requires the operator to pay the recycler a greater percentage of the handling fees received by the large venue or certified large event.

SEC. 4. Chapter 12.7 (commencing with Section 42648) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 12.7. LARGE VENUE RECYCLING

42648. For purposes of this chapter, the following definitions apply:

(a) ~~“Food or drink packaging material” means any material that is not a beverage container in which a food or drink is sold in a retail establishment, regardless of whether the food or drink is intended for consumption on the seller’s premises.~~

(b) ~~“Large venue” includes, but is not limited to, all of the following:~~

(1) ~~A public or private high school.~~

(2) ~~A stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, airport, racetrack, fairground, or special event, that seats or serves at least 500 visitors for each event at that venue.~~

(3) ~~A service station, as defined in Section 13650 of the Business and Professions Code, with more than one pump.~~

(4) ~~A food facility, as defined in Section 113785, of the Health and Safety Code, with a drive-through window.~~

(c) ~~“Multiple material” means aluminum beverage containers, glass beverage containers, plastic beverage containers, or bimetal beverage containers, and food or drink packaging material.~~

1 (a) “Large event” means an event that attracts an average of  
2 more than 2,000 visitors per day of operation of the event,  
3 including, but not limited to, a public, nonprofit, or private park,  
4 parking lot, golf course, street system, or other open space when  
5 being used for a public event, including, but not limited to, a  
6 sporting event or a flea market.

7 (b) “Large venue” means a venue facility that annually seats  
8 or serves an average of more than 2,000 visitors within the grounds  
9 of the facility per day of operation of the venue facility. For  
10 purposes of this chapter, a venue facility includes, but is not limited  
11 to, a public, nonprofit, or privately owned or operated stadium,  
12 amphitheater, arena, hall, amusement park, conference or civic  
13 center, zoo, aquarium, airport, racetrack, horsetrack, performing  
14 arts center, fairground, museum, theater, or other public attraction  
15 facility.

16 (c) “Local agency” means a city or county.

17 (d) “Visitor” means any individual who works at, or attends,  
18 a large venue or large event or any customer who is seated or  
19 served at the large venue or large event.

20 (e) For purposes of this chapter, unless a term is defined  
21 expressly for purposes of this chapter, the definitions specified in  
22 Chapter 2 (commencing with Section 14502) of Division 12.1  
23 apply to the terms used in this chapter.

24 ~~42648.5. Each large venue shall take one of the following~~  
25 ~~actions:~~

26 ~~(a) Provide at least one multiple material recycling bin in the~~  
27 ~~large venue’s public area for every 500 visitors, based upon the~~  
28 ~~daily visitor capacity of that large venue.~~

29 ~~(b) Provide for the operation of a recycling center that is~~  
30 ~~certified by the Department of Conservation pursuant to Section~~  
31 ~~14538 and is operational for a minimum of two hours each day that~~  
32 ~~the large venue is open for business.~~

33 ~~42648.6. A large venue that is a zoo, racetrack, or fairground~~  
34 ~~shall provide a method for the collection at that venue of solid~~  
35 ~~waste that may be processed into compost.~~

36 ~~42648.7. The board shall, in cooperation with the Department~~  
37 ~~of Conservation, provide technical assistance tools and resources~~  
38 ~~to assist large venues and local jurisdictions to develop and~~  
39 ~~implement effective resource management programs at large~~  
40 ~~venues pursuant to this chapter.~~



~~SEC. 4.—~~

42648.5. (a) *On or before June 30, 2005, the board shall take all of the following actions:*

(1) *Make available one or more model ordinances, suitable for modification by a local agency, that may be adopted by a local agency to require a recycling program at large venues in accordance with the requirements of this chapter.*

(2) *While developing the model ordinance, consult with representatives of the League of California Cities, the California State Association of Counties, private and public solid waste services and appropriate personnel involved with the operation and management of large venues.*

(3) *Post information on the board's Internet Web site on the methods by which large venue operators can decrease waste and increase diversion of recyclable materials.*

(4) *Post information on the board's Internet Web site for local agencies, with suggestions of programs, in addition to adoption of the model ordinance, to decrease solid waste and increase diversion of recyclable materials from large venues.*

(b) *Each local agency shall take all of the following actions:*

(1) *Provide information to large venue facilities and large events located in the jurisdiction of the local agency on reducing and recycling solid waste and reducing litter related to events, venues, and the use of public areas, and provide contact information about where solid waste materials generated by large venue facilities and large events may be donated, recycled, or composted. This may include, but is not limited to, providing information using a Web site, direct mailings, or providing brochures or other literature when issuing use or operations permits for events and venue facilities.*

(2) *On and after January 1, 2006, and annually thereafter, identify and locate the 10 percent of large venues and large events located within the jurisdiction of the local agency that have the largest number of visitors and report that information to the board as a part of the local agency's annual report submitted pursuant to Section 41821.*

(3) *On or before January 1, 2006, adopt an ordinance that requires each large venue facility that is within the top 10 percent of the large venue facilities in the local agency's jurisdiction that have the largest total annual visitation, and each large venue*



1 facility with more than 2,000 visitors for each average day of  
2 operation, whichever is applicable, to take all of the following  
3 actions:

4 (A) Perform a solid waste audit to determine the total annual  
5 tonnage of solid waste generated at the large venue facility and the  
6 types of material in the solid waste stream that have the best  
7 potential to be diverted from disposal.

8 (B) Submit the results of the audit specified in subparagraph  
9 (A) to the local agency on or before June 30, 2006.

10 (C) Require each large venue facility subject to subparagraph  
11 (A) to meet with the local agency's recycling coordinator or other  
12 designated official to do all of the following:

13 (i) Determine the solid waste reduction activities that are  
14 appropriate for the large venue.

15 (ii) Develop solid waste reduction goals and a plan of solid  
16 waste diversion activities that would achieve those solid waste  
17 reduction goals.

18 (iii) Determine a timeline for implementation of the solid waste  
19 diversion plan and solid waste reduction goals.

20 (D) Annually report to the local agency on the facility's  
21 progress in implementing the solid waste diversion program plan  
22 and meeting the specified solid waste reduction goals developed  
23 pursuant to subparagraph (C).

24 (4) Include, in the ordinance adopted pursuant to paragraph  
25 (3), a requirement that, on and after January 1, 2008, each large  
26 venue facility that is within the top 20 percent of the large venue  
27 facilities in the local agency's jurisdiction that have the largest  
28 total annual visitation, and each large venue facility with more  
29 than 2,000 visitors for each average day of operation, whichever  
30 is applicable, shall also meet the requirements specified in  
31 subparagraphs (A) to (D), inclusive, of paragraph (3), except the  
32 ordinance shall require the solid waste audit required by  
33 subparagraph (B) of paragraph (3) to be submitted to the local  
34 agency on or before June 30, 2008.

35 (5) In addition to the requirements of paragraphs (3) and (4),  
36 require each large venue that generates more than 200 pounds per  
37 day of solid animal-related manure and bedding waste, including,  
38 but not limited to, a zoo, horsetrack, racetrack, or fairground, to  
39 provide for the collection and diversion of those materials from

1 *disposal in a solid waste landfill, if the materials can be diverted*  
2 *at a cost less than or equal to disposal.*

3 *(6) Require a large venue facility that commences operations*  
4 *on or after January 1, 2006, to incorporate recycling in its design*  
5 *and operating plans as a component of the local permitting*  
6 *process.*

7 *(c) If a local agency has adopted an ordinance on or before*  
8 *January 1, 2005, that imposes requirements on large venues and*  
9 *large events that are equal to, or more stringent than, the*  
10 *requirements of subdivision (b), the local agency is exempt from*  
11 *the requirements of subdivision (b).*

12 *42648.6. A local agency or a private entity may apply for a*  
13 *grant directly with the Department of Conservation to implement*  
14 *large venue recycling programs at large venue facilities. The*  
15 *Department of Conservation shall adopt regulations for the*  
16 *issuance of these grants and may issue a grant to a local agency*  
17 *or a private entity that meets the eligibility requirements specified*  
18 *in those regulations, from funds appropriated for those purposes*  
19 *by the Legislature.*

20 *42648.7. (a) Each large venue shall provide for the operation*  
21 *of a recycling center that is certified by the Department of*  
22 *Conservation pursuant to Section 14538.*

23 *(b) On or before June 30, 2005, and on or before June 30*  
24 *annually thereafter, each operator of a large venue shall submit to*  
25 *the local agency written documentation of recycling programs*  
26 *implemented by the large venue and the type and weight of*  
27 *materials recycled by that large venue.*

28 *42648.8. The board and the Department of Conservation*  
29 *shall provide technical assistance and tools to implement this*  
30 *chapter, including, but not limited to, model documents, training,*  
31 *research on solid waste management best practices, cost*  
32 *reduction, and innovative products to assist local agencies and*  
33 *their large venues to develop and implement effective resource*  
34 *management programs.*

35 *SEC. 5. Notwithstanding Section 17610 of the Government*  
36 *Code, if the Commission on State Mandates determines that this*  
37 *act contains costs mandated by the state, reimbursement to local*  
38 *agencies and school districts for those costs shall be made pursuant*  
39 *to Part 7 (commencing with Section 17500) of Division 4 of Title*  
40 *2 of the Government Code. If the statewide cost of the claim for*

- 1 reimbursement does not exceed one million dollars (\$1,000,000),
- 2 reimbursement shall be made from the State Mandates Claims
- 3 Fund.

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